

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 WAYNE D. CONTE,

5 Plaintiff,

6 v.

7 THE HONORABLE SANDRA
8 POMERANZE, *et al.*,

9 Defendants.
10

Case No. 2:16-cv-00009-APG-GWF

**ORDER REQUIRING COMPLIANCE WITH
FEDERAL RULE OF CIVIL PROCEDURE 5.2**

(Dkt. No. 18)

11 Pro se plaintiff Wayne Conte filed an opposition to the defendants' motion to dismiss.
12 (Dkt. #18.) The exhibits attached to Conte's opposition contain unredacted personal identifiers,
13 like Conte's full social-security number.

14 Federal Rule of Civil Procedure 5.2 states, "[u]nless the court orders otherwise, in an
15 electronic or paper filing with the court that contains an individual's social-security number,
16 taxpayer-identification number, or birth date, the name of an individual known to be a minor, or a
17 financial-account number, a party . . . may include only: (1) the last four digits of the social-
18 security number and taxpayer-identification number; (2) the year of the individual's birth; (3) the
19 minor's initials; and (4) the last four digits of the financial-account number."

20 Rule 5.2 is designed "to protect privacy" and remind parties "that any personal
21 information not otherwise protected by sealing or redaction will be made available [to the public]
22 over the internet." Fed. R. Civ. P. 5.2. Ad. Comm. Notes (2007). The Advisory Committee Notes
23 to Rule 5.2 state that the court "is not required to review documents filed with the court for
24 compliance with this rule." *Id.* Rather, "[t]he responsibility to redact filings rests with counsel
25 and the party or non-party making the filing." *Id.*

26 Conte's filings contain personal identifiers that should have been redacted under Rule 5.2.
27 The court has temporarily restricted those documents to prevent personal information from being
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1 made publicly available on the internet. However, the public has a right to access judicial
2 records, including Conte's filings. *See Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122,
3 1135 (9th Cir. 2003). Conte is therefore ordered to re-submit his opposition and supporting
4 exhibits with his personal identifiers redacted. If Conte does not submit a redacted version of his
5 opposition and supporting exhibits by March 4, 2016, I will order the clerk of court to unseal
6 Conte's filings.

7 IT IS THEREFORE ORDERED that Wayne Conte **REDACT his opposition and**
8 **supporting exhibits (Dkt. #18)** in accordance with Federal Rule of Civil Procedure 5.2 and
9 submit a redacted version of his opposition and supporting exhibits by March 4, 2016. The
10 current version of **Dkt. #18 shall remain sealed** until further order from the court.

11 DATED this 19th day of February, 2016.

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14 ANDREW P. GORDON
15 UNITED STATES DISTRICT JUDGE
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